

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Toth et al.
Patent No. : 6,983,180
Issue Date : 1/3/2006
App. Serial No. : 10/065,450
Filed : 10/18/2002
For : METHOD AND APPARATUS OF DETERMINING AND
DISPLAYING A HELICAL ARTIFACT INDEX

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

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37 CFR 1.8(a)

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Date: January 10, 2006

/Jessica A. Calaway/
Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR PATENT TERM ADJUSTMENT RECONSIDERATION
UNDER 37 C.F.R. §1.705(d)

Dear Sir:

Pursuant to a revision of the patent term adjustment for the above-captioned patent,
Applicant requests reconsideration of extension of patent term under 37 C.F.R. §1.705(d).

REMARKS

The Notice of Allowance, mailed June 15, 2005, for the above-captioned patent indicated a period of 242 days adjustment for PTO delays under 37 C.F.R. 1.702(a)(1). Applicant agrees that, pre-issuance, the patent was entitled to 242 days of adjustment. In addition, due to a delay under 37 C.F.R. 1.702(a)(4), the patent issued with an adjustment of 278 days. However, Applicant believes that an adjustment of 316 days is proper.

Specifically, 37 C.F.R. 1.702(a)(4) allows for patent term adjustment for failing to “issue a patent not later than four months after the date on which the issue fee was paid under 35 U.S.C. 151 and all outstanding requirements were satisfied.” A review of PAIR shows that the PTO calculation additionally add 36 days to the 242 days indicated in the Notice of Allowance for not issuing the patent within 4 months of the issue fee payment. The issue fee was paid on June 21, 2005, and the patent issued on Jan. 3, 2006. A period of four months from the payment of the issue fee is Oct. 21, 2005. The number of days between Oct. 21, 2005 and Jan. 3, 2006, is 74 days – not 36 days as calculated by the PTO. Subtracting 36 days from Jan. 3, 2006, as calculated by the PTO results in a date of Nov. 28, 2005, which is not relevant to the above-captioned patent.

Therefore, Applicant is entitled to its full patent term adjustment for the above-captioned patent. The full patent term adjustment results in 316 days – 242 days of adjustment prior to payment of the issue fee plus 74 days of adjustment for patent issuance later than 4 months of issue fee payment. The above-captioned patent is not subject to a terminal disclaimer and there were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in §1.704.

The fee of \$200 as set forth in 37 C.F.R. §1.18(e) is filed concurrently herewith.

Applicant hereby requests that any questions regarding this matter be directed to the undersigned.

Respectfully submitted,

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Dated: January 10, 2006
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